



**ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-R04-OAR-2010-0017; FRL- 9732-3]**

**Adequacy Status: South Carolina: Portion of York County, South Carolina**

**Within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina**

**1997 8-Hour Ozone Nonattainment Area; Maintenance Plan Motor Vehicle Emissions**

**Budget for Transportation Conformity Purposes**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, EPA is notifying the public of its finding that the volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) motor vehicle emissions budget (MVEBs) for the portion of York County, South Carolina that is within the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina Area (hereafter referred to as the “bi-state Charlotte Area” or “Area”) are adequate for transportation conformity purposes. These MVEBs are included in South Carolina’s maintenance plan for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS), submitted on June 1, 2011, by the South Carolina Department of Health and Environmental Control (SC DHEC). The South Carolina portion of the bi-state Charlotte Area is comprised of a portion of York County, South Carolina. On March 2, 1999, the District of Columbia Circuit Court ruled that submitted state implementation plans (SIPs) cannot be used for transportation conformity determinations until EPA has affirmatively found them adequate. As a result of EPA’s finding, the South Carolina portion of the bi-state Charlotte Area must use the VOC and NO<sub>x</sub> MVEBs from the submitted maintenance plan for the Area for future conformity determinations.

**DATES:** This adequacy finding for VOC and NO<sub>x</sub> MVEBs is effective [insert date 15 days after date of publication in the Federal Register].

**FOR FURTHER INFORMATION CONTACT:** Kelly Sheckler, U.S. Environmental Protection Agency, Region 4, Air Planning Branch, Air Quality Modeling and Transportation Section, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Ms. Sheckler can also be reached by telephone at (404) 562-9222, or via electronic mail at [sheckler.kelly@epa.gov](mailto:sheckler.kelly@epa.gov). The finding is available at EPA's conformity website:

<http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>

**SUPPLEMENTARY INFORMATION:** Today's notice is simply an announcement of findings that EPA has already made. EPA Region 4 sent a letter to SC DHEC on September 5, 2012, stating that the 2013 and 2022 VOC and NO<sub>x</sub> MVEBs in the 1997 8-hour ozone maintenance plan for the South Carolina portion of the bi-state Charlotte Area (also known as York County), dated June 1, 2011, are adequate. EPA posted the availability of these MVEBs on EPA's website on October 28, 2011, as part of the adequacy process, for the purpose of soliciting comments. The comment period ran from October 28, 2011, through November 28, 2011. EPA did not receive any comments in response to the adequacy posting. EPA's findings have also been announced on EPA's conformity website:

<http://www.epa.gov/otaq/stateresources/index.htm>, (once there, click "Transportation Conformity" text icon, then look for "Adequacy Review of SIP Submissions").

The VOC and NO<sub>x</sub> MVEBs for York County are defined in the following table:

**York County VOC and NO<sub>x</sub> MVEBs (kilograms per day)**

	<b>2013</b>	<b>2022</b>
<b>NO<sub>x</sub> MVEBs</b>	<b>11,272</b>	<b>11,368</b>
<b>VOC MVEBs</b>	<b>3,699</b>	<b>3,236</b>

Transportation conformity is required by section 176(c) of the Clean Air Act, as amended in 1990. EPA's conformity rule, 40 CFR part 93, requires that transportation plans, programs and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do. Conformity to a state implementation plan (SIP) means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS.

The criteria by which the EPA determines whether a SIP's MVEB are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e) (4). EPA has described the process for determining the adequacy of submitted SIP budgets in a May 14, 1999, memorandum entitled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision." EPA has followed this guidance in making this adequacy determination. This guidance is incorporated into EPA's July 1, 2004, final rulemaking entitled "Transportation Conformity Rule Amendments for the New 8-hour Ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes." *See* 69 FR 40004. Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if EPA finds the MVEBs adequate, the Agency may later disapprove the SIP.

Within 24 months from the effective date of this notice, the transportation partners will need to demonstrate conformity to the new MVEBs if the demonstration has not already been made, pursuant to 40 CFR 93.104(e). *See* 73 FR 4419 (January 24, 2008).

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 11, 2012.

A. Stanley Meiburg,  
Acting Regional Administrator,  
Region 4.

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